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**Via E-mail to [correspondence@ntsb.gov](mailto:correspondence@ntsb.gov)**

The Honorable Robert L. Sumwalt  
Chairman, National Transportation Safety Board  
490 L'Enfant Plaza East, SW  
Washington DC 20594

*Re: Talgo, Inc.'s Petition for Reconsideration of NTSB Accident Report NTSB/RAR-19/01*

Dear Chairman Sumwalt,

This letter concerns the status of the National Transportation Safety Board's review of Talgo, Inc.'s Petition for Reconsideration of Accident Report NTSB/RAR-19/01 (the "Petition"). Talgo submitted its Petition more than one year ago to address discrete points within the Accident Report for which Talgo presented new evidence refuting the Report's conclusions that the Talgo Series-VI trainset failed to meet Federal Railroad Administration regulatory standards and contributed to the severity of the accident and recommendation that the Series-VI should be removed from service as soon as possible. During the interim, Talgo has lost contracts and missed out on business opportunities because the Report's flawed conclusions remain uncorrected. We urge the NTSB to act promptly on the Petition and reconsider the Report before Talgo's business and reputation suffers further harm.

On October 29, 2019, Talgo petitioned the NTSB to reconsider several of the agency's findings, safety recommendations, and the probable cause of the high-speed derailment of Amtrak train 501 near DuPont, Washington, on December 18, 2017. Talgo has also requested the opportunity to meet with NTSB Board Members and the investigators considering the Petition to assist in the NTSB's review of the information and analysis provided by Talgo, including the independent engineering report of Simpson Gumpertz & Heger. While we do not presume to think that Talgo's Petition should be prioritized over other urgent matters before the NTSB, I want to stress that the agency's delay continues to cause damage to Talgo and its business because the NTSB's failure to correct the erroneous findings and recommendations contained in the Report has resulted in a state of misinformation within the rail industry with respect to the safety of Talgo's products.

The Report's conclusions are flawed because the NTSB failed to take into account information provided by Talgo during the course of the investigation that drew on Talgo's own expertise with its products and materials, which differ from conventional US-designed railcars in important ways relevant to the DuPont derailment. Talgo, unlike nearly every other party to the DuPont investigation, was completely excluded from the NTSB Investigative Hearing held July 10–11, 2018. Further, for unexplained reasons Talgo's Party Submission was not provided to the NTSB Board Members by NTSB staff with sufficient time before the Board Meeting for Members to review and incorporate the information before voting on the final findings, safety recommendations, and probable cause determined by the Board and included into the Report. Without taking into account Talgo's input, the NTSB rendered its Report with, among other errors, the unfounded safety recommendation R-19-017, which currently states: "Discontinue the use of the Talgo Series VI trainsets as soon as possible and replace them with passenger railroad equipment that meet all current United States safety requirements." Talgo submitted its Petition to correct that and other mistakes in the Report, and supported its case with new evidence that had not previously been considered by the NTSB, including an independent engineering analysis that contradicted the Report's conclusions regarding the crashworthiness and performance of the Series-VI railcars.

Due to the delay in the NTSB's consideration of the Petition, Talgo has suffered short term consequences in the nature of lost contracts and business. For example, the Washington State Department of Transportation (WSDOT) and Amtrak chose not to renew maintenance contracts with Talgo for the Series-VI railcars, which they explained was related to the safety recommendations in the Report. Also, WSDOT reported in its 2019–2040 State Rail Plan, a document that is only issued every five years and sets the agenda for WSDOT's future investment in rail equipment, that the NTSB's recommendation to discontinue use of Series-VI trainsets "accelerated" WSDOT's plans to remove the Series-VI from service.<sup>1</sup> WSDOT officials continue to assert that the recent removal of the Series VI railcars from service was in response to this recommendation, including as recently as last week in a letter from the WSDOT Secretary that went to a number of elected officials and again at a public legislative hearing. As the data and analysis presented in our Petition demonstrates, Safety Recommendation R-19-017 is based on erroneous findings that suggest Talgo's railcars are less safe than conventional, U.S.-designed railcars. In fact, as evaluated in the Simpson, Gumpertz & Heger engineering report, Talgo railcars perform as well as or better than conventional railcars in high-speed rail accidents. The NTSB findings and safety recommendation R-19-017 have caused the U.S. rail industry to question or limit the use of Talgo railcars which could match or improve the safety of occupants in rail accidents compared to conventional designs, causing Talgo not only an immediate loss of business related to the Series-VI, but potentially long term detriment to its brand equity and plans for future products within the U.S. market.

The only way to remedy the harms and misinformation perpetuated by the NTSB report is for the agency to complete its review of Talgo's Petition and publicly correct the record. We urge you to please act now, and offer our assistance in facilitating the NTSB's review in any that would be helpful and appropriate.

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<sup>1</sup> See WASHINGTON STATE RAIL PLAN 2019-2040 at 52 (August 2020) *available at* <https://wsdot.wa.gov/sites/default/files/2020/08/27/2019-2040-State-Rail-Plan.pdf>.

Very Truly Yours,

A black rectangular redaction box covers the signature. A blue ink scribble is visible to the left of the box, and a blue circular mark is visible to the right.

Antonio Perez  
President and CEO, Talgo, Inc.

cc: Gary Halbert, Holland & Knight LLP